

107TH CONGRESS
1ST SESSION

H. R. 1888

To eliminate corporate welfare.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2001

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Resources, Agriculture, Energy and Commerce, Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To eliminate corporate welfare.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Corporate Welfare Elimination Act of 2001”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—TAX REFORM

Sec. 101. Short title; references to Internal Revenue Code of 1986.

Sec. 102. Repeal of expensing of intangible drilling and development costs and
of mining exploration and development costs.

Sec. 103. Termination of credit for producing fuel from nonconventional source.

- Sec. 104. Repeal of percentage depletion.
- Sec. 105. Repeal of tax benefits for alcohol fuels.
- Sec. 106. Repeal of enhanced oil recovery credit.
- Sec. 107. Repeal of credit and deduction for electric vehicles, clean-fuel vehicles,
and certain refueling property.
- Sec. 108. Repeal of deduction for tertiary injectants.
- Sec. 109. Repeal of rehabilitation credit for nonhistoric structures; reduction of
rehabilitation credit for certified historic structures.
- Sec. 110. Repeal of treatment of blue cross and blue shield organizations, etc.
- Sec. 111. Repeal of small life insurance company deduction.
- Sec. 112. Repeal of alternative tax on small property and casualty insurance
companies.
- Sec. 113. Cash accounting and expensing for agriculture.
- Sec. 114. Repeal of exclusion for cancellation of qualified farm indebtedness.
- Sec. 115. Repeal of exclusion for certain cost-sharing payments.
- Sec. 116. Reduction of expensing of timber-growing costs.
- Sec. 117. Repeal of reforestation credit.
- Sec. 118. Repeal of rapid amortization of reforestation expenditures.
- Sec. 119. Termination of exclusion of certain income of citizens or residents of
United States living abroad.
- Sec. 120. Repeal of exclusion for qualifying foreign trade income.
- Sec. 121. Repeal of deferral of income of controlled foreign corporations.
- Sec. 122. Repeal of deferral of tax under merchant marine capital constructions
funds.
- Sec. 123. Repeal of special treatment for magazine circulation expenditures.
- Sec. 124. Repeal of special treatment for returns of magazines, paperbacks,
and records.

TITLE II—NATURAL RESOURCES

- Sec. 201. Public Resources Deficit Reduction Act of 2001.

Subtitle A—General Provisions

- Sec. 211. Fair market value for resource disposal.
- Sec. 212. Fees from program beneficiaries.
- Sec. 213. Revenues from sale, lease, and transfer of assets.

Subtitle B—Revenue From Mining Claims

- Sec. 221. Definitions.
- Sec. 222. Mining claim maintenance requirements.
- Sec. 223. Royalty.
- Sec. 224. Severance tax.
- Sec. 225. Fund for abandoned locatable minerals mine reclamation.
- Sec. 226. Limitation on patent issuance.
- Sec. 227. Purchasing power adjustment.
- Sec. 228. Savings clause.
- Sec. 229. Effective date.

Subtitle C—Use or Disposal of Federal Natural Resources

- Sec. 231. Annual domestic livestock grazing fee.
- Sec. 232. Elimination of below-cost sales of timber from National Forest Sys-
tem lands.
- Sec. 233. Timberland suitability.

- Sec. 234. Reduction in maximum amount of payments under agricultural assistance programs to reflect receipt of Federal irrigation water.
 Sec. 235. Elimination of off budget expenditures.
 Sec. 236. Deposit of Taylor Grazing Act receipts in Treasury.
 Sec. 237. Repeal of livestock feed assistance program.
 Sec. 238. Oil and gas rentals.
 Sec. 239. Communication permits.

TITLE I—TAX REFORM

SEC. 101. SHORT TITLE; REFERENCES TO INTERNAL REVENUE CODE OF 1986.

(a) **SHORT TITLE.**—This title may be cited as the “Termination of Energy and Natural Resource Tax Subsidies Act of 2001”.

(b) **REFERENCES TO INTERNAL REVENUE CODE OF 1986.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. REPEAL OF EXPENSING OF INTANGIBLE DRILLING AND DEVELOPMENT COSTS AND OF MINING EXPLORATION AND DEVELOPMENT COSTS.

(a) **INTANGIBLE DRILLING AND DEVELOPMENT COSTS.**—Section 263(c) is hereby repealed.

(b) **DEVELOPMENT EXPENDITURES.**—Section 616 (relating to development expenditures) is hereby repealed.

1 (c) EXPLORATION EXPENDITURES.—Subsection (i)
 2 of section 617 is amended to read as follows:

3 “(i) TERMINATION.—No deduction shall be allowed
 4 under this section for any expenditure paid or incurred
 5 in a taxable year beginning after the date of the enactment
 6 of this subsection.”

7 (d) CONFORMING AMENDMENTS.—

8 (1) Paragraph (2) of section 56(a) is hereby re-
 9 pealed.

10 (2) Subsection (a) of section 57 is amended by
 11 striking paragraph (2).

12 (3) Paragraph (2) of section 59(e) is amended
 13 by adding “and” at the end of subparagraph (A), by
 14 striking the comma at the end of subparagraph (B)
 15 and inserting a period, and by striking subpara-
 16 graphs (C), (D), and (E).

17 (4) Subparagraph (A) of section 59(e)(5) is
 18 amended by inserting before the period “, as in ef-
 19 fect before the Termination of Energy and Natural
 20 Resource Tax Subsidies Act of 2001”.

21 (5) Subsection (c) of section 193 is amended to
 22 read as follows:

23 “(c) APPLICATION WITH OTHER DEDUCTIONS.—No
 24 deduction shall be allowed under subsection (a) with re-
 25 spect to any expenditure with respect to which a deduction

1 is allowed or allowable to the taxpayer under any other
2 provision of this chapter.”

3 (6) Paragraph (1) of section 263(a) is amended
4 by striking subparagraph (A) and by redesignating
5 the succeeding subparagraphs accordingly.

6 (7) Section 263 is amended by striking sub-
7 section (i).

8 (8) Subsection (c) of section 263A is amended
9 by striking paragraph (3) and by redesignating the
10 succeeding paragraphs accordingly.

11 (9) Paragraph (5) of section 263A(c), as redes-
12 ignated by paragraph (8), is amended by striking
13 “subparagraphs (B), (C), (D), and (E)” and insert-
14 ing “subparagraph (B)”.

15 (10) Section 291 is amended by striking sub-
16 section (b).

17 (11) Subsection (n) of section 312 is amended
18 by striking paragraph (2).

19 (12) The table of sections for part I of sub-
20 chapter I of chapter 1 is amended by striking the
21 item relating to section 616.

22 (13) Paragraph (1) of section 1254(a) is
23 amended—

24 (A) by inserting “(as in effect before the
25 Termination of Energy and Natural Resource

1 Tax Subsidies Act of 2001)” after “617” in
 2 subparagraph (A)(i), and

3 (B) by adding at the end the following:
 4 “For purposes of clause (i), any deduction
 5 under section 291(b)(2) (as in effect before the
 6 Termination of Energy and Natural Resource
 7 Tax Subsidies Act of 2001) shall be treated as
 8 a deduction allowable under section 263, 616,
 9 or 617 (whichever is appropriate).”

10 (e) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to amounts paid or incurred in tax-
 12 able years beginning after the date of the enactment of
 13 this Act.

14 **SEC. 103. TERMINATION OF CREDIT FOR PRODUCING FUEL**
 15 **FROM NONCONVENTIONAL SOURCE.**

16 Section 29 is amended by adding at the end the fol-
 17 lowing new subsection:

18 “(h) TERMINATION.—Notwithstanding any other
 19 provision of this section, no credit shall be allowed under
 20 this section with respect to any qualified fuels produced
 21 by a facility placed in service after December 31, 2001.”

22 **SEC. 104. REPEAL OF PERCENTAGE DEPLETION.**

23 (a) IN GENERAL.—Section 613 (relating to limita-
 24 tions on percentage depletion in case of oil and gas wells)

1 is amended by adding at the end the following new sub-
2 section:

3 “(f) TERMINATION.—The allowance under section
4 611 shall be determined without regard to this section for
5 taxable years beginning after the date of the enactment
6 of this subsection.”

7 (b) TERMINATION OF SECTION 613A.—Section 613A
8 is amended by adding at the end the following new sub-
9 section:

10 “(f) TERMINATION.—The allowance under section
11 611 shall be determined without regard to this section for
12 taxable years beginning after the date of the enactment
13 of this subsection.”

14 **SEC. 105. REPEAL OF TAX BENEFITS FOR ALCOHOL FUELS.**

15 (a) REPEAL OF ALCOHOL FUELS CREDIT.—

16 (1) IN GENERAL.—Section 40 (relating to alco-
17 hol used as fuel) is hereby repealed.

18 (2) CONFORMING AMENDMENTS.—

19 (A) Subsection (b) of section 38 is amend-
20 ed by striking paragraph (3) and by redesign-
21 ating the following paragraphs accordingly.

22 (B) Section 87 is hereby repealed.

23 (C) Subsection (c) of section 196 is
24 amended by striking paragraph (3) and by re-

1 designating the following paragraphs accord-
2 ingly.

3 (D) Subsection (m) of section 6501 is
4 amended by striking “40(f)”.

5 (E) The table of sections for subpart D of
6 part IV of subchapter A of chapter 1 is amend-
7 ed by striking the item relating to section 40.

8 (F) The table of sections for part II of
9 subchapter B of chapter 1 is amended by strik-
10 ing the item relating to section 87.

11 (3) EFFECTIVE DATE.—The amendments made
12 by this subsection shall apply to taxable years begin-
13 ning after the date of the enactment of this Act.

14 (b) REPEAL OF REDUCED FUEL TAX RATES.—

15 (1) GASOLINE AND DIESEL FUEL.—Section
16 4081 is amended by striking subsection (c) and by
17 redesignating subsections (d) and (e) as subsections
18 (c) and (d), respectively.

19 (2) AVIATION FUEL.—Section 4091 is amended
20 by striking subsection (c).

21 (3) SPECIAL MOTOR FUELS.—

22 (A) Section 4041 is amended by striking
23 subsections (k) and (m).

24 (B) Subsection (b) of section 4041 is
25 amended by striking paragraph (2).

1 (4) CONFORMING AMENDMENTS.—

2 (A) Section 6427 is amended by striking
3 subsection (f).

4 (B) Subsection (i) of section 6427 is
5 amended by striking paragraph (3) and by re-
6 designating paragraph (4) as paragraph (3).

7 (C) Paragraph (3) of section 6427(i), as
8 redesignated by subparagraph (B), is amended
9 by striking the last sentence of subparagraph
10 (A) and inserting the following new flush sen-
11 tence:

12 “Notwithstanding subsection (l)(1), if the Sec-
13 retary has not paid pursuant to a claim filed
14 under the preceding sentence within 20 days of
15 the date of the filing of such claim, the claim
16 shall be paid with interest from such date de-
17 termined by using the overpayment rate and
18 method under section 6621.”

19 (D) Section 9502 is amended by striking
20 subsection (e).

21 (E) Subsection (b) of section 9503 is
22 amended by striking paragraph (5).

23 (5) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect on the date of the
25 enactment of this Act.

1 **SEC. 106. REPEAL OF ENHANCED OIL RECOVERY CREDIT.**

2 (a) IN GENERAL.—Section 43 is hereby repealed.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Subsection (b) of section 38 is amended by
5 striking paragraph (5), as redesignated by section
6 105, and by redesignating the succeeding para-
7 graphs accordingly.

8 (2) The table of sections for subpart D of part
9 IV of subchapter A of chapter 1 is amended by
10 striking the item relating to section 43.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2001.

14 **SEC. 107. REPEAL OF CREDIT AND DEDUCTION FOR ELEC-**
15 **TRIC VEHICLES, CLEAN-FUEL VEHICLES, AND**
16 **CERTAIN REFUELING PROPERTY.**

17 (a) REPEAL OF CREDIT FOR QUALIFIED ELECTRIC
18 VEHICLES.—Section 30 is hereby repealed.

19 (b) REPEAL OF DEDUCTION FOR CLEAN-FUEL VEHI-
20 CLES AND CERTAIN REFUELING PROPERTY.—Section
21 179A is hereby repealed.

22 (c) CONFORMING AMENDMENTS.—

23 (1) Paragraph (24) of section 1016(a) is
24 amended by inserting “(as in effect on the day be-
25 fore the date of the enactment of the Corporate Wel-

1 fare Elimination Act of 2001)” after “section
2 179A(e)(6)(A)”.

3 (2) Paragraph (25) of section 1016(a) is
4 amended by inserting “(as in effect on the day be-
5 fore the date of the enactment of the Corporate Wel-
6 fare Elimination Act of 2001)” after “section
7 30(d)(1)”.

8 (3) The table of sections for subpart B of part
9 IV of subchapter A of chapter 1 is amended by
10 striking the item relating to section 30.

11 (4) The table of sections for part VI of sub-
12 chapter B of chapter 1 is amended by striking the
13 item relating to section 179A.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to taxable years beginning after
16 December 31, 2001.

17 **SEC. 108. REPEAL OF DEDUCTION FOR TERTIARY**
18 **INJECTANTS.**

19 (a) IN GENERAL.—Section 193 (relating to tertiary
20 injectants) is hereby repealed.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for part VI of subchapter B of chapter 1 is amended by
23 striking the item relating to section 193.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2001.

4 **SEC. 109. REPEAL OF REHABILITATION CREDIT FOR NON-**
5 **HISTORIC STRUCTURES; REDUCTION OF RE-**
6 **HABILITATION CREDIT FOR CERTIFIED HIS-**
7 **TORIC STRUCTURES.**

8 (a) IN GENERAL.—Subsection (a) of section 47 is
9 amended to read as follows:

10 “(a) GENERAL RULE.—For purposes of section 46,
11 the rehabilitation credit for any taxable year is 15 percent
12 of the qualified rehabilitation expenditures with respect to
13 any certified historic structure.”

14 (b) CONFORMING AMENDMENTS.—

15 (1) Subparagraph (A) of section 47(c)(1) is
16 amended by adding “and” at the end of clause (ii),
17 by striking clause (iii) and by redesignating clause
18 (iv) as clause (iii).

19 (2) Paragraph (1) of section 47(c) is amended
20 by striking subparagraph (B) and by redesignating
21 subparagraphs (C) and (D) as subparagraphs (B)
22 and (C), respectively.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to property placed in service after
25 December 31, 2001.

1 **SEC. 110. REPEAL OF TREATMENT OF BLUE CROSS AND**
2 **BLUE SHIELD ORGANIZATIONS, ETC.**

3 (a) IN GENERAL.—Section 833 (relating to treat-
4 ment of Blue Cross and Blue Shield organizations, etc.)
5 is hereby repealed.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for part II of subchapter L of chapter 1 is amended by
8 striking the item relating to section 833.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable years beginning after
11 December 31, 2001.

12 **SEC. 111. REPEAL OF SMALL LIFE INSURANCE COMPANY**
13 **DEDUCTION.**

14 (a) IN GENERAL.—Section 806 is hereby repealed.

15 (b) CONFORMING AMENDMENTS.—

16 (1) The text of section 804 is amended to read
17 as follows:

18 “For purposes of this part, the term ‘life insurance
19 deductions’ means the general deductions provided in sec-
20 tion 805.”

21 (2) Subparagraph (A) of section 815(c)(2) is
22 amended by adding “and” at the end of clause (i),
23 by striking clause (ii), and by redesignating clause
24 (iii) as clause (ii).

1 (3) Subparagraph (B) of section 453B(e)(2) is
2 amended by striking “(as defined in section
3 806(b)(3))”.

4 (4) Subsection (e) of section 453B is amended
5 by adding at the end the following new paragraph:

6 “(3) NONINSURANCE BUSINESS.—For purposes
7 of paragraph (2)—

8 “(A) IN GENERAL.—The term ‘noninsur-
9 ance business’ means any activity which is not
10 an insurance business.

11 “(B) CERTAIN ACTIVITIES TREATED AS IN-
12 SURANCE BUSINESSES.—For purposes of sub-
13 paragraph (A), any activity which is not an in-
14 surance business shall be treated as an insur-
15 ance business if—

16 “(i) it is of a type traditionally carried
17 on by life insurance companies for invest-
18 ment purposes, but only if the carrying on
19 of such activity (other than in the case of
20 real estate) does not constitute the active
21 conduct of a trade or business, or

22 “(ii) it involves the performance of ad-
23 ministrative services in connection with
24 plans providing life insurance, pension, or
25 accident and health benefits.”

1 (5) Subclause (II) of section 465(c)(7)(D)(v) is
 2 amended by striking “(within the meaning of section
 3 806(b)(3))” and inserting “(within the meaning of
 4 section 453B(e)(3))”.

5 (6) The table of sections for subpart C of part
 6 I of subchapter L of chapter 1 is amended by strik-
 7 ing the item relating to section 806.

8 (c) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years beginning after
 10 December 31, 2001.

11 **SEC. 112. REPEAL OF ALTERNATIVE TAX ON SMALL PROP-**
 12 **ERTY AND CASUALTY INSURANCE COMPA-**
 13 **NIES.**

14 (a) IN GENERAL.—Section 831 (relating to tax on
 15 insurance companies other than life insurance companies)
 16 is amended by striking subsection (b) and by redesign-
 17 ating subsection (c) as subsection (b).

18 (b) CONFORMING AMENDMENTS.—

19 (1) Subparagraph (C) of section 501(c)(15) is
 20 amended to read as follows:

21 “(C) For purposes of subparagraph (B),
 22 the term ‘controlled group’ means any con-
 23 trolled group of corporations (as defined in sec-
 24 tion 1563(a)); except that—

1 “(i) ‘more than 50 percent’ shall be
 2 substituted for ‘at least 80 percent’ each
 3 place it appears in section 1563(a), and

4 “(ii) subsections (a)(4) and (b)(2)(D)
 5 of section 1563 shall not apply.”

6 (2) Sections 832(b)(7)(D)(ii) and 834(a) are
 7 each amended by inserting “(as in effect on the day
 8 before the date of the enactment of the Corporate
 9 Welfare Elimination Act of 2001)” after “831(b)”.

10 (3) Sections 904(b)(3)(D) and 1201(a) are each
 11 amended by striking “831(a) or (b)” and inserting
 12 “831(a)”.

13 (c) EFFECTIVE DATE.—The amendments made by
 14 this section shall apply to taxable years beginning after
 15 December 31, 2001.

16 **SEC. 113. CASH ACCOUNTING AND EXPENSING FOR AGRI-**
 17 **CULTURE.**

18 (a) REPEAL OF CERTAIN EXCEPTIONS PERMITTING
 19 CERTAIN FARM BUSINESS TO USE CASH METHOD OF AC-
 20 COUNTING.—

21 (1) Section 447 (relating to method of account-
 22 ing for corporations engaged in farming) is amended
 23 by striking subsections (d)(2), (e), (g), (h), and (i).

24 (2) Subsection (b) of section 448 is amended by
 25 striking paragraph (1).

1 (b) REPEAL OF DEDUCTION FOR SOIL AND WATER
2 CONSERVATION EXPENDITURES.—

3 (1) IN GENERAL.—Section 175 (relating to soil
4 and water conservation expenditures) is hereby re-
5 pealed.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions for part VI of subchapter B of chapter 1 is
8 amended by striking the item relating to section
9 175.

10 (c) REPEAL OF DEDUCTION FOR EXPENDITURES BY
11 FARMERS FOR FERTILIZER, ETC.—

12 (1) IN GENERAL.—Section 180 (relating to ex-
13 penditures by farmers for fertilizer, etc) is hereby re-
14 pealed.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions for part VI of subchapter B of chapter 1 is
17 amended by striking the item relating to section
18 180.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to taxable years beginning after
21 December 31, 2001.

22 **SEC. 114. REPEAL OF EXCLUSION FOR CANCELLATION OF**
23 **QUALIFIED FARM INDEBTEDNESS.**

24 (a) IN GENERAL.—Paragraph (1) of section 108(a)
25 is amended by inserting “or” at the end of subparagraph

1 (B), by striking subparagraph (C), and by redesignating
2 subparagraph (D) as subparagraph (C).

3 (b) EFFECTIVE DATE.—The amendment made by
4 this section shall apply to taxable years beginning after
5 December 31, 2001.

6 **SEC. 115. REPEAL OF EXCLUSION FOR CERTAIN COST-**
7 **SHARING PAYMENTS.**

8 (a) IN GENERAL.—Section 126 (relating to certain
9 cost-sharing payments) is hereby repealed.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for part III of subchapter B of chapter 1 is amended by
12 striking the item relating to section 126.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 December 31, 2001.

16 **SEC. 116. REDUCTION OF EXPENSING OF TIMBER-GROWING**
17 **COSTS.**

18 (a) IN GENERAL.—Paragraph (5) of section 263A(c)
19 (relating to general exceptions) is amended by striking
20 “This section shall not apply to” and inserting “This sec-
21 tion shall not apply to $\frac{2}{3}$ of the costs described in sub-
22 section (a)(2) with respect to”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to taxable years beginning after
25 December 31, 2001.

1 **SEC. 117. REPEAL OF REFORESTATION CREDIT.**

2 (a) IN GENERAL.—Subsection (b) of section 48 is
3 hereby repealed.

4 (b) CONFORMING AMENDMENTS.—

5 (1) The heading of section 48 is amended to
6 read as follows:

7 **“SEC. 48. ENERGY CREDIT.”**

8 (2) The table of sections for subpart E of part
9 IV of subchapter A of chapter 1 is amended by
10 amending the item relating to section 48 to read as
11 follows:

“Sec. 48. Energy credit.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 December 31, 2001.

15 **SEC. 118. REPEAL OF RAPID AMORTIZATION OF REFOREST-**
16 **ATION EXPENDITURES.**

17 (a) IN GENERAL.—Section 194 is hereby repealed.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Subsection (a) of section 62 is amended by
20 striking paragraph (11).

21 (2) Subsections (a)(3)(C) and (b)(8) of section
22 1245 are each amended by inserting “(as in effect
23 before its repeal by the Corporate Welfare Elimini-
24 nation Act of 2001)” after “section 194”.

1 (3) The table of sections for part VI of sub-
2 chapter B of chapter 1 is amended by striking the
3 item relating to section 194.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to taxable years beginning after
6 December 31, 2001.

7 **SEC. 119. TERMINATION OF EXCLUSION OF CERTAIN IN-**
8 **COME OF CITIZENS OR RESIDENTS OF**
9 **UNITED STATES LIVING ABROAD.**

10 (a) IN GENERAL.—Section 911 (relating to citizens
11 or residents of the United States living abroad) is amend-
12 ed by redesignating subsection (f) as subsection (g) and
13 by inserting after subsection (e) the following new sub-
14 section:

15 “(f) TERMINATION.—This section shall not apply to
16 any taxable year beginning after December 31, 2001.”

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to taxable years beginning after
19 December 31, 2001.

20 **SEC. 120. REPEAL OF EXCLUSION FOR QUALIFYING FOR-**
21 **EIGN TRADE INCOME.**

22 (a) IN GENERAL.—

23 (1) Section 114 (relating to extraterritorial in-
24 come) is hereby repealed.

1 (2) Subpart E of part III of subchapter N of
2 chapter 1 (relating to qualifying foreign trade in-
3 come) is hereby repealed.

4 (b) CONFORMING AMENDMENTS.—

5 (1) The second sentence of section
6 56(g)(4)(B)(i) is amended by striking “or under sec-
7 tion 114”.

8 (2) Section 275(a) is amended—

9 (A) by inserting “or” at the end of para-
10 graph (4)(A), by striking “, or” at the end of
11 paragraph (4)(B) and inserting a period, and
12 by striking subparagraph (C), and

13 (B) by striking the following: “A rule simi-
14 lar to the rule of section 943(d) shall apply for
15 purposes of paragraph (4)(C).”.

16 (3) Paragraph (3) of section 864(e) is amended
17 by striking subparagraph (B).

18 (4) Section 903 is amended by striking “114,
19 164(a),” and inserting “164(a)”.

20 (5) Section 999(c)(1) is amended by striking
21 “941(a)(5),”.

22 (6) The table of sections for part III of sub-
23 chapter B of chapter 1 is amended by striking the
24 item relating to section 114.

1 (7) The table of subparts for such part III is
2 amended by striking the item relating to subpart E.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to transactions after December 31,
5 2001.

6 **SEC. 121. REPEAL OF DEFERRAL OF INCOME OF CON-**
7 **TROLLED FOREIGN CORPORATIONS.**

8 (a) GENERAL RULE.—Subpart F of part III of sub-
9 chapter N of chapter 1 is amended by striking sections
10 952, 953, and 954 and inserting the following new sec-
11 tions:

12 **“SEC. 952. SUBPART F INCOME.**

13 “(a) GENERAL RULE.—For purposes of this subpart,
14 the term ‘subpart F income’ means the earnings and prof-
15 its of the controlled foreign corporation for the taxable
16 year computed with the following adjustments:

17 “(1) There shall be excluded the amount of the
18 earnings and profits which are attributable to in-
19 come from sources within the United States which
20 is effectively connected with the conduct by the con-
21 trolled foreign corporation of a trade or business
22 within the United States, except to the extent such
23 income is exempt from taxation (or subject to a re-
24 duced rate of tax) pursuant to a treaty obligation of
25 the United States. For purposes of the preceding

1 sentence, income described in paragraph (2) or (3)
2 of section 921(d) shall be treated as derived from
3 sources within the United States.

4 “(2) In determining earnings and profits (or
5 the deficit in earnings and profits), the amount of
6 any illegal bribe, kickback, or other payment (within
7 the meaning of section 162(c), except as otherwise
8 provided in this paragraph) shall not be taken into
9 account to decrease such earnings and profits or to
10 increase such deficit. The payments referred to in
11 the preceding sentence include payments which
12 would be unlawful under the Foreign Corrupt Prac-
13 tices Act of 1977 if the payor were a United States
14 person.

15 “(3) Under regulations prescribed by the Sec-
16 retary, there shall be excluded any part of any earn-
17 ings and profits if it is established to the satisfaction
18 of the Secretary that such part could not have been
19 distributed by the controlled foreign corporation to
20 United States shareholders who own (within the
21 meaning of section 958(a)) stock of such controlled
22 foreign corporation because of currency or other re-
23 strictions or limitations imposed under the laws of
24 any foreign country.

1 “(4) Earnings and profits shall be determined
2 without regard to paragraphs (4), (5), and (6) of
3 section 312(n). Under regulations, the preceding
4 sentence shall not apply to the extent it would in-
5 crease earnings and profits by an amount which was
6 previously distributed by the controlled foreign cor-
7 poration.

8 Except as provided in this subsection and section
9 312(k)(4), the earnings and profits of any foreign corpora-
10 tion, and the deficit and earnings and profits of any for-
11 eign corporation for any taxable year shall be determined
12 according to rules similar to those applicable to domestic
13 corporations, under regulations prescribed by the Sec-
14 retary.

15 “(b) CERTAIN DEFICITS MAY BE TAKEN INTO AC-
16 COUNT.—

17 “(1) TREATMENT OF CERTAIN PRIOR YEAR
18 DEFICITS.—

19 “(A) IN GENERAL.—The amount included
20 in the gross income of any United States share-
21 holder under section 951(a)(1)(A)(i) for any
22 taxable year with respect to any controlled for-
23 eign corporation shall be reduced by the amount
24 of such shareholder’s pro rata share of any

1 qualified deficit of such controlled foreign cor-
2 poration.

3 “(B) QUALIFIED DEFICIT.—For purposes
4 of this paragraph—

5 “(i) IN GENERAL.—The term ‘quali-
6 fied deficit’ means any deficit in the earn-
7 ings and profits of the controlled foreign
8 corporation for any prior taxable year
9 which began after December 31, 2001, and
10 for which such corporation was a con-
11 trolled foreign corporation, but only to the
12 extent such deficit has not previously been
13 taken into account under this paragraph.

14 “(ii) SPECIAL RULE FOR DEFICITS
15 BEFORE 2002.—The term ‘qualified deficit’
16 includes any deficit in earnings and profits
17 for any taxable year beginning before Jan-
18 uary 1, 2002, to the extent that such def-
19 icit qualified as a qualified deficit under
20 subsection (c)(1)(B) of this section (as in
21 effect on the day before the date of the en-
22 actment of this subsection); except that
23 any such deficit may be taken into account
24 under this paragraph only to offset

1 amounts attributable to the same activity
2 as the activity giving rise to such deficit.

3 “(C) PRO RATA SHARE.—For purposes of
4 this paragraph, the shareholder’s pro rata share
5 of any deficit shall be determined under rules
6 similar to the rules of section 951(a)(2) for
7 whichever of the following yields the smallest
8 share:

9 “(i) the close of the taxable year, or
10 “(ii) the close of the taxable year in
11 which the deficit arose.

12 “(2) CERTAIN DEFICITS OF MEMBER OF THE
13 SAME CHAIN OF CORPORATIONS MAY BE TAKEN
14 INTO ACCOUNT.—

15 “(A) IN GENERAL.—A controlled foreign
16 corporation may elect to reduce the amount of
17 its subpart F income for any taxable year by
18 the amount of any deficit in earnings and prof-
19 its of a qualified chain member for a taxable
20 year ending with (or within) the taxable year of
21 such controlled foreign corporation. To the ex-
22 tent any deficit reduces subpart F income
23 under the preceding sentence, such deficit shall
24 not be taken into account under paragraph (1).

“(B) QUALIFIED CHAIN MEMBER.—For purposes of this paragraph, the term ‘qualified chain member’ means, with respect to any controlled foreign corporation, any other corporation which is created or organized under the laws of the same foreign country as the controlled foreign corporation but only if—

“(i) all the stock of such other corporation (other than directors’ qualifying shares) is owned at all times during the taxable year in which the deficit arose (directly or through 1 or more corporations other than the common parent) by such controlled foreign corporation, or

“(ii) all the stock of such controlled foreign corporation (other than directors’ qualifying shares) is owned at all times during the taxable year in which the deficit arose (directly or through 1 or more corporations other than the common parent) by such other corporation.

“(C) COORDINATION.—This paragraph shall be applied after paragraph (1).

“(3) DETERMINATION OF DEFICIT.—In determining the amount of any deficit in earnings and

1 profits, the adjustments set forth in subsection (a)
 2 shall apply.

3 **“SEC. 953. SPECIAL RULES FOR CERTAIN INSURANCE COM-**
 4 **PANIES.**

5 “(a) SPECIAL RULE FOR CERTAIN CAPTIVE INSUR-
 6 ANCE COMPANIES.—

7 “(1) IN GENERAL.—For purposes only of tak-
 8 ing into account subpart F income which is attrib-
 9 utable to related person insurance income—

10 “(A) the term ‘United States shareholder’
 11 means, with respect to any foreign corporation,
 12 a United States person (as defined in section
 13 957(c)) who owns (within the meaning of sec-
 14 tion 958(a)) any stock of the foreign corpora-
 15 tion,

16 “(B) the term ‘controlled foreign corpora-
 17 tion’ has the meaning given to such term by
 18 section 957(a) determined by substituting ‘25
 19 percent or more’ for ‘more than 50 percent’,
 20 and

21 “(C) the pro rata share referred to in sec-
 22 tion 951(a)(1)(A)(i) shall be determined under
 23 paragraph (5) of this subsection.

24 “(2) RELATED PERSON INSURANCE INCOME.—
 25 For purposes of this subsection, the term ‘related

1 person insurance income’ means any insurance in-
2 come (within the meaning of subsection (c)) attrib-
3 utable to a policy of insurance or reinsurance with
4 respect to which the person (directly or indirectly)
5 insured is a United States shareholder in the foreign
6 corporation or a related person to such a share-
7 holder.

8 “(3) EXCEPTIONS.—

9 “(A) CORPORATIONS NOT HELD BY IN-
10 SUREDS.—Paragraph (1) shall not apply to any
11 foreign corporation if at all times during the
12 taxable year of such foreign corporation—

13 “(i) less than 20 percent of the total
14 combined voting power of all classes of
15 stock of such corporation entitled to vote,
16 and

17 “(ii) less than 20 percent of the total
18 value of such corporation,

19 is owned (directly or indirectly) under the prin-
20 ciples of section 883(c)(4) by persons who are
21 (directly or indirectly) insured under any policy
22 of insurance or reinsurance issued by such cor-
23 poration or who are related persons to any such
24 person.

1 “(B) DE MINIMIS EXCEPTION.—Paragraph
2 (1) shall not apply to any foreign corporation
3 for a taxable year of such corporation if the re-
4 lated person insurance income (determined on a
5 gross basis) of such corporation for such tax-
6 able year is less than 20 percent of its insur-
7 ance income (as so determined) for such taxable
8 year determined without regard to those provi-
9 sions of subsection (c)(1) which limit insurance
10 income to income from countries other than the
11 country in which the corporation was created or
12 organized.

13 “(C) ELECTION TO TREAT INCOME AS EF-
14 FECTIVELY CONNECTED.—Paragraph (1) shall
15 not apply to any foreign corporation for any
16 taxable year if—

17 “(i) such corporation elects (at such
18 time and in such manner as the Secretary
19 may prescribe)—

20 “(I) to treat its related person in-
21 surance income for such taxable year
22 as income effectively connected with
23 the conduct of a trade or business in
24 the United States, and

1 “(II) to waive all benefits (other
 2 than with respect to section 884) with
 3 respect to related person insurance in-
 4 come granted by the United States
 5 under any treaty between the United
 6 States and any foreign country, and

7 “(ii) such corporation meets such re-
 8 quirements as the Secretary shall prescribe
 9 to ensure that the tax imposed by this
 10 chapter on such income is paid.

11 An election under this subparagraph made for
 12 any taxable year shall not be effective if the
 13 corporation (or any predecessor thereof) was a
 14 disqualified corporation for the taxable year for
 15 which the election was made or for any prior
 16 taxable year beginning after 1986.

17 “(D) SPECIAL RULES FOR SUBPARAGRAPH
 18 (C).—

19 “(i) PERIOD DURING WHICH ELEC-
 20 TION IN EFFECT.—

21 “(I) IN GENERAL.—Except as
 22 provided in subclause (II), any elec-
 23 tion under subparagraph (C) shall
 24 apply to the taxable year for which
 25 made and all subsequent taxable years

1 unless revoked with the consent of the
2 Secretary.

3 “(II) TERMINATION.—If a for-
4 eign corporation which made an elec-
5 tion under subparagraph (C) for any
6 taxable year is a disqualified corpora-
7 tion for any subsequent taxable year,
8 such election shall not apply to any
9 taxable year beginning after such sub-
10 sequent taxable year.

11 “(ii) EXEMPTION FROM TAX IMPOSED
12 BY SECTION 4371.—The tax imposed by
13 section 4371 shall not apply with respect
14 to any related person insurance income
15 treated as effectively connected with the
16 conduct of a trade or business within the
17 United States under subparagraph (C).

18 “(E) DISQUALIFIED CORPORATION.—For
19 purposes of this paragraph the term ‘disquali-
20 fied corporation’ means, with respect to any
21 taxable year, any foreign corporation which is a
22 controlled foreign corporation for an uninter-
23 rupted period of 30 days or more during such
24 taxable year (determined without regard to this
25 subsection) but only if a United States share-

1 holder (determined without regard to this sub-
 2 section) owns (within the meaning of section
 3 958(a)) stock in such corporation at some time
 4 during such taxable year.

5 “(4) TREATMENT OF MUTUAL INSURANCE COM-
 6 PANIES.—In the case of a mutual insurance
 7 company—

8 “(A) this subsection shall apply,

9 “(B) policyholders of such company shall
 10 be treated as shareholders, and

11 “(C) appropriate adjustments in the appli-
 12 cation of this subpart shall be made under reg-
 13 ulations prescribed by the Secretary.

14 “(5) DETERMINATION OF PRO RATA SHARE.—

15 “(A) IN GENERAL.—The pro rata share
 16 determined under this paragraph for any
 17 United States shareholder is the lesser of—

18 “(i) the amount which would be deter-
 19 mined under paragraph (2) of section
 20 951(a) if—

21 “(I) only related person insur-
 22 ance income were taken into account,

23 “(II) stock owned (within the
 24 meaning of section 958(a)) by United
 25 States shareholders on the last day of

1 the taxable year were the only stock
 2 in the foreign corporation, and

3 “(III) only distributions received
 4 by United States shareholders were
 5 taken into account under subpara-
 6 graph (B) of such paragraph (2), or

7 “(ii) the amount which would be de-
 8 termined under paragraph (2) of section
 9 951(a) on the basis of the entire subpart
 10 F income of the foreign corporation for the
 11 taxable year.

12 “(B) COORDINATION WITH OTHER PROVI-
 13 SIONS.—The Secretary shall prescribe regula-
 14 tions providing for such modifications to the
 15 provisions of this subpart as may be necessary
 16 or appropriate by reason of subparagraph (A).

17 “(6) RELATED PERSON.—For purposes of this
 18 subsection—

19 “(A) IN GENERAL.—Except as provided in
 20 subparagraph (B), the term ‘related person’ has
 21 the meaning given such term by section 964(a).

22 “(B) TREATMENT OF CERTAIN LIABILITY
 23 INSURANCE POLICIES.—In the case of any pol-
 24 icy of insurance covering liability arising from
 25 services performed as a director, officer, or em-

1 employee of a corporation or as a partner or em-
2 ployee of a partnership, the person performing
3 such services and the entity for which such
4 services are performed shall be treated as re-
5 lated persons.

6 “(7) COORDINATION WITH SECTION 1248.—For
7 purposes of section 1248, if any person is (or would
8 be but for paragraph (3)) treated under paragraph
9 (1) as a United States shareholder with respect to
10 any foreign corporation which would be taxed under
11 subchapter L if it were a domestic corporation and
12 which is (or would be but for paragraph (3)) treated
13 under paragraph (1) as a controlled foreign
14 corporation—

15 “(A) such person shall be treated as meet-
16 ing the stock ownership requirements of section
17 1248(a)(2) with respect to such foreign cor-
18 poration, and

19 “(B) such foreign corporation shall be
20 treated as a controlled foreign corporation.

21 “(8) REGULATIONS.—The Secretary shall pre-
22 scribe such regulations as may be necessary to carry
23 out the purposes of this subsection, including—

1 “(A) regulations preventing the avoidance
 2 of this subsection through cross insurance ar-
 3 rangements or otherwise, and

4 “(B) regulations which may provide that a
 5 person will not be treated as a United States
 6 shareholder under paragraph (1) with respect
 7 to any foreign corporation if neither such per-
 8 son (nor any related person to such person) is
 9 (directly or indirectly) insured under any policy
 10 of insurance or reinsurance issued by such for-
 11 eign corporation.

12 “(b) ELECTION BY FOREIGN INSURANCE COMPANY
 13 TO BE TREATED AS DOMESTIC CORPORATION.—

14 “(1) IN GENERAL.—If—

15 “(A) a foreign corporation is a controlled
 16 foreign corporation (as defined in section
 17 957(a) by substituting ‘25 percent or more’ for
 18 ‘more than 50 percent’ and by using the defini-
 19 tion of United States shareholder under sub-
 20 section (a)(1)(A) of this section),

21 “(B) such foreign corporation would qual-
 22 ify under part I or II of subchapter L for the
 23 taxable year if it were a domestic corporation,

24 “(C) such foreign corporation meets such
 25 requirements as the Secretary shall prescribe to

1 ensure that the taxes imposed by this chapter
 2 on such foreign corporation are paid, and

3 “(D) such foreign corporation makes an
 4 election to have this paragraph apply and
 5 waives all benefits to such corporation granted
 6 by the United States under any treaty,

7 for purposes of this title, such corporation shall be
 8 treated as a domestic corporation.

9 “(2) PERIOD DURING WHICH ELECTION IS IN
 10 EFFECT.—

11 “(A) IN GENERAL.—Except as provided in
 12 subparagraph (B), an election under paragraph
 13 (1) shall apply to the taxable year for which
 14 made and all subsequent taxable years unless
 15 revoked with the consent of the Secretary.

16 “(B) TERMINATION.—If a corporation
 17 which made an election under paragraph (1) for
 18 any taxable year fails to meet the requirements
 19 of subparagraph (A), (B), or (C) of paragraph
 20 (1) for any subsequent taxable year, such elec-
 21 tion shall not apply to any taxable year begin-
 22 ning after such subsequent taxable year.

23 “(3) TREATMENT OF LOSSES.—If any corpora-
 24 tion treated as a domestic corporation under this
 25 subsection is treated as a member of an affiliated

group for purposes of chapter 6 (relating to consolidated returns), any loss of such corporation shall be treated as a dual consolidated loss for purposes of section 1503(d) without regard to paragraph (2)(B) thereof.

“(4) EFFECT OF ELECTION.—

“(A) IN GENERAL.—For purposes of section 367, any foreign corporation making an election under paragraph (1) shall be treated as transferring (as the 1st day of the 1st taxable year to which such election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

“(B) EXCEPTION FOR PRE-1988 EARNINGS AND PROFIT.—

“(i) IN GENERAL.—Earnings and profits of the foreign corporation accumulated in taxable years beginning before January 1, 1988, shall not be included in the gross income of the persons holding stock in such corporation by reason of subparagraph (A).

“(ii) TREATMENT OF DISTRIBUTIONS.—For purposes of this title, any distribution made by a corporation to which

1 an election under paragraph (1) applies
2 out of earnings and profits accumulated in
3 taxable years beginning before January 1,
4 1988, shall be treated as a distribution
5 made by a foreign corporation.

6 “(iii) CERTAIN RULES TO CONTINUE
7 TO APPLY TO PRE-1988 EARNINGS.—The
8 provisions specified in clause (iv) shall be
9 applied without regard to paragraph (1),
10 except that, in the case of a corporation to
11 which an election under paragraph (1) ap-
12 plies, only earnings and profits accumu-
13 lated in taxable years beginning before
14 January 1, 1988, shall be taken into ac-
15 count.

16 “(iv) SPECIFIED PROVISIONS.—The
17 provisions specified in this clause are:

18 “(I) Section 1248 (relating to
19 gain from certain sales or exchanges
20 of stock in certain foreign corpora-
21 tions).

22 “(II) This subpart to the extent
23 such subpart relates to earnings in-
24 vested in United States property or

1 amounts referred to in clause (ii) or
2 (iii) of section 951(a)(1)(A).

3 “(III) Section 884 to the extent
4 the foreign corporation reinvested
5 1987 earnings and profits in United
6 States assets.

7 “(5) EFFECT OF TERMINATION.—For purposes
8 of section 367, if—

9 “(A) an election is made by a corporation
10 under paragraph (1) for any taxable year, and

11 “(B) such election ceases to apply for any
12 subsequent taxable year,

13 such corporation shall be treated as a domestic cor-
14 poration transferring (as of the 1st day of such sub-
15 sequent taxable year) all of its property to a foreign
16 corporation in connection with an exchange to which
17 section 354 applies.

18 “(6) ADDITIONAL TAX ON CORPORATION MAK-
19 ING ELECTION.—

20 “(A) IN GENERAL.—If a corporation
21 makes an election under paragraph (1), the
22 amount of tax imposed by this chapter for the
23 1st taxable year to which such election applies
24 shall be increased by the amount determined
25 under subparagraph (B).

1 “(B) AMOUNT OF TAX.—The amount of
2 tax determined under this paragraph shall be
3 equal to the lesser of—

4 “(i) $\frac{3}{4}$ of 1 percent of the aggregate
5 amount of capital and accumulated surplus
6 of the corporation as of December 31,
7 1987, or

8 “(ii) \$1,500,000.

9 “(c) INSURANCE INCOME DEFINED.—For purposes
10 of this section, the term ‘insurance income’ means any in-
11 come which—

12 “(1) is attributable to the issuing (or rein-
13 suring) of any insurance or annuity contract—

14 “(A) in connection with property in, liabil-
15 ity arising out of activity in, or in connection
16 with the lives or health of residents of, a coun-
17 try other than the country under the laws of
18 which the controlled foreign corporation is cre-
19 ated or organized, or

20 “(B) in connection with risks not described
21 in subparagraph (A) as the result of any ar-
22 rangement whereby another corporation receives
23 a substantially equal amount of premiums or
24 other consideration in respect of issuing (or re-

1 insuring) a contract described in subparagraph
 2 (A), and

3 “(2) would (subject to the modifications pro-
 4 vided by paragraphs (1) and (2) of subsection (d))
 5 be taxed under subchapter L of this chapter if such
 6 income were the income of a domestic insurance
 7 company.

8 “(d) SPECIAL RULES.—In determining the amount
 9 of insurance income—

10 “(1) The following provisions of subchapter L
 11 shall not apply:

12 “(A) The small life insurance company de-
 13 duction.

14 “(B) Section 805(a)(5) (relating to oper-
 15 ations loss deduction).

16 “(C) Section 832(c)(5) (relating to certain
 17 capital losses).

18 “(2) The items referred to in—

19 “(A) section 803(a)(1) (relating to gross
 20 amount of premiums and other considerations),

21 “(B) section 803(a)(2) (relating to net de-
 22 crease in reserves),

23 “(C) section 805(a)(2) (relating to net in-
 24 crease in reserves), and

1 “(D) section 832(b)(4) (relating to pre-
2 miums earned on insurance contracts),
3 shall be taken into account only to the extent they
4 are in respect of any reinsurance or the issuing of
5 any insurance or annuity contract described in sub-
6 section (a)(1).

7 “(3) All items of income, expenses, losses, and
8 deductions shall be properly allocated or apportioned
9 under regulations prescribed by the Secretary.”

10 (b) REPEAL OF EXPORT TRADE CORPORATION PRO-
11 VISIONS.—Subpart G of part III of subchapter N of chap-
12 ter 1 (relating to export trade corporations) is hereby re-
13 pealed.

14 (c) CONFORMING AMENDMENTS TO SUBPART F.—

15 (1) Subparagraph (A) of section 955(a)(1) is
16 amended by inserting “(as in effect for taxable years
17 beginning before 1987)” after “section 954(b)(2)”.

18 (2) Subsection (b) of section 955 is amended by
19 striking “within the meaning of section 954(d)(3)”
20 and inserting “within the meaning of section
21 964(a)”.

22 (3) Paragraph (2) of section 956(c) is
23 amended—

1 (A) by striking “section 953(a)(1)” in sub-
2 paragraph (E) and inserting “section
3 953(c)(1)”, and

4 (B) by inserting “(as in effect on the day
5 before the date of the enactment of this par-
6 enthetical) or under section 952(a)(1)” after
7 “section 952(b)” in subparagraph (H).

8 (4) Subsection (b) of section 957 is amended—

9 (A) by striking “income described in sec-
10 tion 953(a)” and inserting “subpart F income
11 attributable to income described in section
12 953(c)”, and

13 (B) by striking “section 953(a)(1)” and in-
14 serting “section 953(c)(1)”.

15 (5) Subsection (b) of section 958 is amended—

16 (A) by striking “954(d)(3), 956(b)(2), and
17 957” and inserting “956(b)(2), 957, and
18 964(a)”, and

19 (B) by striking “954(d)(3)” the second
20 place it appears and inserting “964(a)”.

21 (6) Subsection (b) of section 959 is amended by
22 striking “be also included in the gross income” and
23 inserting “be also included in the subpart F in-
24 come”.

1 (7) Subsection (a) of section 964 is amended to
2 read as follows:

3 “(a) RELATED PERSON.—For purposes of this part,
4 a person is a related person with respect to a controlled
5 foreign corporation, if—

6 “(1) such person is an individual, corporation,
7 partnership, trust, or estate which controls, or is
8 controlled by, the controlled foreign corporation, or

9 “(2) such person is a corporation, partnership,
10 trust, or estate which is controlled by the same per-
11 son or persons which control the controlled foreign
12 corporation.

13 For purposes of the preceding sentence, control means,
14 with respect to a corporation, the ownership, directly or
15 indirectly, of stock possessing more than 50 percent of the
16 total voting power of all classes of stock entitled to vote
17 or of the total value of stock of such corporation. In the
18 case of a partnership, trust, or estate, control means the
19 ownership, directly or indirectly, more than 50 percent (by
20 value) of the beneficial interests in such partnership, trust,
21 or estate. For purposes of this paragraph, rules similar
22 to the rules of section 958 shall apply.”

23 (8) Section 964 is amended by striking sub-
24 section (b).

1 (9) The table of sections for subpart F of part
 2 III of subchapter N of chapter 1 is amended by
 3 striking the items relating to sections 952, 953 and
 4 954 and inserting the following:

 “Sec. 952. Subpart F income.

 “Sec. 953. Special rules for certain insurance companies.”

5 (d) OTHER CONFORMING AMENDMENTS.—

6 (1) Paragraph (2) of section 552(c) is
 7 amended—

8 (A) by amending subparagraph (A) to read
 9 as follows:

10 “(A) is received from a related person
 11 which (i) is a corporation created or organized
 12 under the laws of the same foreign country
 13 under the laws of which the foreign corporation
 14 involved was created or organized, and (ii) has
 15 a substantial part of its assets used in its trade
 16 or business located in such same foreign coun-
 17 try, and”, and

18 (B) by striking “954(d)(3)” and inserting
 19 “964(a)”.

20 (2) Subparagraph (B) of section 861(c)(2) is
 21 amended by striking “954(d)(3)” and inserting
 22 “964(a)”.

23 (3) Subparagraph (A) of section 864(d)(5) is
 24 amended by striking clauses (ii), (iii), and (iv).

1 (4) Subparagraph (A) of section 881(c)(5) is
2 hereby repealed.

3 (5) Subparagraph (D) of section 884(d)(2) is
4 amended by striking “953(c)(3)(C)” and inserting
5 “953(a)(3)(C)”.

6 (6) Subparagraph (A) of section 898(b)(3) is
7 amended—

8 (A) by striking “953(c)(2)” and inserting
9 “953(a)(2)”, and

10 (B) by striking “953(c)(1) and inserting
11 “953(a)(1)”.

12 (7) Clause (i) of section 904(d)(2)(A) is amend-
13 ed by inserting “, as in effect on the day before the
14 date of the repeal of such section” after “section
15 954(c)”.

16 (8) Subclause (III) of section 904(d)(2)(C)(ii)
17 is amended by striking “953(a)” and inserting
18 “953(c)”.

19 (9) Subparagraph (D) of section 904(d)(2) is
20 amended—

21 (A) by inserting “, as in effect on the day
22 before the date of the repeal of such section”
23 after “954(f)”, and

24 (B) by inserting “or passive income” be-
25 fore the period at the end thereof.

1 (10) Subparagraph (H) of section 904(d)(2) is
2 amended by striking “954(d)(3)” and inserting
3 “964(a)”.

4 (11) Subparagraph (E) of section 904(d)(3) is
5 hereby repealed.

6 (12) Subparagraph (C) of section 988(a)(3) is
7 amended by striking “954(d)(3)” and inserting
8 “964(a)”.

9 (13) Subsection (c) of section 999 is
10 amended—

11 (A) by striking “, 952(a)(3),” in para-
12 graph (1), and

13 (B) by striking “, the addition to subpart
14 F income under section 952(a)(3),” in para-
15 graph (2).

16 (14) Subsection (a) of section 6046 is amended
17 by striking “953(c)” and inserting “953(a)”.

18 (15) The table of subparts for part III of sub-
19 chapter M of chapter 1 is amended by striking the
20 item relating to subpart G.

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years of controlled for-
23 eign corporations beginning after December 31, 2001, and
24 to the taxable years of United States shareholders with

1 which (or in which) such taxable years of controlled for-
 2 eign corporations end.

3 **SEC. 122. REPEAL OF DEFERRAL OF TAX UNDER MER-**
 4 **CHANT MARINE CAPITAL CONSTRUCTIONS**
 5 **FUNDS.**

6 (a) IN GENERAL.—Subsection (c) of section 7518
 7 (relating to tax incentives relating to Merchant Marine
 8 Capital Construction Fund) is amended by adding at the
 9 end the following new paragraph:

10 “(3) TERMINATION.—Subparagraphs (A), (B),
 11 and (C) of paragraph (1) shall not apply to any tax-
 12 able year beginning after December 31, 2001.”

13 (b) CONFORMING AMENDMENT TO MERCHANT MA-
 14 RINE ACT, 1936.—Subsection (d) of section 607 of the
 15 Merchant Marine Act, 1936, is amended by adding at the
 16 end the following new paragraph:

17 “(3) TERMINATION.—Subparagraphs (A), (B),
 18 and (C) of paragraph (1) shall not apply to any tax-
 19 able year beginning after December 31, 2001.”

20 **SEC. 123. REPEAL OF SPECIAL TREATMENT FOR MAGAZINE**
 21 **CIRCULATION EXPENDITURES.**

22 (a) IN GENERAL.—Section 173 (relating to circula-
 23 tion expenditures) is hereby repealed.

24 (b) CONFORMING AMENDMENTS.—

1 (1) Subparagraph (A) of section 56(b)(2) is
2 amended to read as follows:

3 “(A) IN GENERAL.—The amount allowable
4 as a deduction under section 174(a) in com-
5 puting the regular tax for amounts paid or in-
6 curred after December 31, 1986, shall be cap-
7 italized and shall be amortized ratably over the
8 10-year period beginning with the taxable year
9 in which the expenditures were made.”

10 (2) Paragraph (2) of section 56(c) is amended
11 by striking subparagraph (C).

12 (3) Clause (ii) of section 56(g)(4)(D) is amend-
13 ed to read as follows:

14 “(ii) AMORTIZATION OF ORGANIZA-
15 TION EXPENDITURES NOT TO APPLY.—
16 Section 248 shall not apply to expenditures
17 paid or incurred in taxable year beginning
18 after December 31, 1989.”

19 (4) Paragraph (1) of section 59(e) is amended
20 by striking “(3-year period in the case of circulation
21 expenditures described in section 173)”.

22 (5) Paragraph (2) of section 59(e) is amended
23 by striking subparagraph (A) and by redesignating
24 the following subparagraphs accordingly.

1 (6) Paragraph (3) of section 312(n) is amended
2 to read as follows:

3 “(3) AMORTIZATION OF ORGANIZATION EX-
4 PENDITURES NOT TO APPLY.—Section 248 shall not
5 apply.”

6 (7) Subparagraph (B) of section 1016(a)(1) is
7 amended by striking “expenditures” and inserting
8 “expenditures, as in effect on the day before the
9 date of the enactment of the Corporate Welfare
10 Elimination Act of 2001”.

11 (8) The table of sections for part VI of sub-
12 chapter B of chapter 1 is amended by striking the
13 item relating to section 173.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to amounts paid or incurred after
16 December 31, 2001.

17 **SEC. 124. REPEAL OF SPECIAL TREATMENT FOR RETURNS**
18 **OF MAGAZINES, PAPERBACKS, AND RECORDS.**

19 (a) IN GENERAL.—Section 458 (relating to maga-
20 zines, paperbacks, and records returned after the close of
21 the taxable year) is hereby repealed.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for subpart B of part II of subchapter E of chapter 1
24 is amended by striking the item relating to section 458.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2001.

4 **TITLE II—NATURAL RESOURCES**

5 **SEC. 201. PUBLIC RESOURCES DEFICIT REDUCTION ACT OF** 6 **2001.**

7 This title may be cited as the “Public Resources Def-
8 icit Reduction Act of 2001”.

9 **Subtitle A—General Provisions**

10 **SEC. 211. FAIR MARKET VALUE FOR RESOURCE DISPOSAL.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, no timber, minerals, forage, or other natural
13 resource owned by the United States, no Federally owned
14 water, and no hydroelectric energy generated at a Federal
15 facility may be sold, leased, or otherwise disposed of by
16 any department, agency, or instrumentality of the United
17 States for an amount less than fair market value, as deter-
18 mined by such department, agency, or instrumentality.

19 (b) STAGGERED EFFECTIVE DATES.—

20 (1) EXISTING CONTRACTS, LEASES, AND
21 AGREEMENTS.—Subsection (a) shall not apply to
22 any existing contract, lease, or other binding ar-
23 rangement entered into before the date of the enact-
24 ment of this title unless such contract, lease, or

1 other arrangement is renewed or extended after such
2 date.

3 (2) CONTRACTS, LEASES, AND AGREEMENTS
4 ENTERED INTO IN 5-YEAR PERIOD.—In the case of
5 any contract, lease, or other binding arrangement
6 entered into or renewed or extended during the 5-
7 year period beginning on the date of the enactment
8 of this title, subsection (a) shall apply immediately
9 upon the expiration of such period.

10 (3) CONTRACTS, LEASES, AND AGREEMENTS
11 ENTERED INTO AFTER 5-YEAR PERIOD.—Subsection
12 (a) shall apply immediately to all contracts, leases,
13 or other binding arrangements entered into or re-
14 newed or extended after the end of the 5-year period
15 beginning on the date of the enactment of this title.

16 (c) WAIVER.—The President may waive the require-
17 ments of subsection (a) whenever the President deter-
18 mines that such waiver is in the national interest. The
19 President shall submit a notice to Congress containing an
20 explanation of the reasons for any such determination
21 within 60 days after the date of the determination.

22 **SEC. 212. FEES FROM PROGRAM BENEFICIARIES.**

23 (a) GENERAL AUTHORITY.—The Secretary of the In-
24 terior and the Secretary of Agriculture are each author-
25 ized to establish and collect from persons subject to pro-

1 grams administered by each such Secretary such user fees
 2 as may be necessary to reimburse the United States for
 3 the expenses incurred in administering such programs.
 4 The aggregate amount of fees that may be assessed and
 5 collected under this section by each such Secretary in any
 6 fiscal year from persons subject to any such program shall
 7 not exceed the aggregate amount of expenses incurred in
 8 administering such program in such fiscal year.

9 (b) EFFECTIVE DATE; OIL AND GAS LEASE TRANS-
 10 FERS.—The Secretary of the Interior and the Secretary
 11 of Agriculture may, by rule, establish the applicable effec-
 12 tive date of any fee to be imposed under this section, ex-
 13 cept that fees shall be established and collected under this
 14 section from each person receiving a transfer of a Federal
 15 onshore oil and gas lease after the date of the enactment
 16 of this title.

17 **SEC. 213. REVENUES FROM SALE, LEASE, AND TRANSFER**
 18 **OF ASSETS.**

19 (a) IN GENERAL.—Section 1105(a) of title 31,
 20 United States Code, is amended by inserting after para-
 21 graph (33) the following new paragraph:

22 “(34) a separate statement, asset by asset and
 23 aggregated by major functional category, of—

24 “(A) projected revenues during the fiscal
 25 year for which the budget is submitted from the

1 anticipated sale, lease, or transfer of any phys-
2 ical asset; and

3 “(B) the estimated price at which this
4 asset or a comparable asset would be sold in an
5 arms length transaction in the private sector.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall become effective for fiscal year 2003
8 and shall be fully reflected in the fiscal year 2003 budget
9 submitted by the President in February 2001 under sec-
10 tion 1105(a) of title 31, United States Code.

11 **Subtitle B—Revenue From Mining** 12 **Claims**

13 **SEC. 221. DEFINITIONS.**

14 (a) DEFINITIONS.—As used in this subtitle:

15 (1) The term “locatable mineral” means any
16 mineral not subject to disposition under any of the
17 following:

18 (A) The Mineral Leasing Act (30 U.S.C.
19 181 et seq.).

20 (B) The Geothermal Steam Act of 1970
21 (30 U.S.C. 1001 et seq.).

22 (C) The Act of July 31, 1947, commonly
23 known as the Materials Act of 1947 (30 U.S.C.
24 601 et seq.).

1 (D) The Mineral Leasing Act for Acquired
2 Lands (30 U.S.C. 351 et seq.).

3 (2) The term “mineral activities” means any
4 activity for, related to, or incidental to mineral ex-
5 ploration, mining, beneficiation, and processing ac-
6 tivities for any locatable mineral, including access.
7 When used with respect to this term:

8 (A) The term “exploration” means those
9 techniques employed to locate the presence of a
10 locatable mineral deposit and to establish its
11 nature, position, size, shape, grade, and value.

12 (B) The term “mining” means the proc-
13 esses employed for the extraction of a locatable
14 mineral from the earth.

15 (C) The term “beneficiation” means the
16 crushing and grinding of locatable mineral ore
17 and such processes as are employed to free the
18 mineral from other constituents, including but
19 not necessarily limited to, physical and chemical
20 separation techniques.

21 (D) The term “processing” means proc-
22 esses downstream of beneficiation employed to
23 prepare locatable mineral ore into the final
24 marketable product, including but not limited
25 to, smelting and electrolytic refining.

1 (3) The term “mining claim” means a claim for
2 the purposes of mineral activities.

3 (4) The term “Secretary” means, unless other-
4 wise provided in this subtitle, the Secretary of the
5 Interior acting through the Director of the Minerals
6 Management Service.

7 **SEC. 222. MINING CLAIM MAINTENANCE REQUIREMENTS.**

8 (a) IN GENERAL.—The holder of each mining claim
9 located on lands open to location shall pay to the Secretary
10 an annual claim maintenance fee of \$100 per claim per
11 calendar year.

12 (b) TIME OF PAYMENT.—The claim maintenance fee
13 payable pursuant to subsection (a) for any year shall be
14 paid on or before August 31 of each year, except that for
15 the initial calendar year in which the location is made,
16 the locator shall pay the initial claim maintenance fee at
17 the time the location notice is recorded with the Bureau
18 of Land Management.

19 (c) OIL SHALE CLAIMS SUBJECT TO CLAIM MAINTENANCE FEES UNDER ENERGY POLICY ACT OF 1992.—
20 This section shall not apply to any oil shale claims for
21 which a fee is required to be paid under section 2511(e)(2)
22 of the Energy Policy Act of 1992 (30 U.S.C. 242(e)(2)).

23 (d) CLAIM MAINTENANCE FEES PAYABLE UNDER
24 1993 ACT.—The claim maintenance fees payable under
25

1 this section for any period with respect to any claim shall
2 be reduced by the amount of the claim maintenance fees
3 paid under section 10101 of the Omnibus Budget Rec-
4 onciliation Act of 1993 (30 U.S.C. 28f) with respect to
5 that claim and with respect to the same period.

6 (e) WAIVER.—(1) The claim maintenance fee re-
7 quired under this section may be waived for a claim holder
8 who certifies in writing to the Secretary that on the date
9 the payment was due, the claim holder and all related par-
10 ties held not more than 10 mining claims on lands open
11 to location. Such certification shall be made on or before
12 the date on which payment is due.

13 (2) For purposes of paragraph (1), with respect to
14 any claim holder, the term “related party” means each
15 of the following:

16 (A) The spouse and dependent children (as de-
17 fined in section 152 of the Internal Revenue Code of
18 1986) of the claim holder.

19 (B) Any affiliate of the claim holder.

20 (f) CO-OWNERSHIP.—Upon the failure of any one or
21 more of several co-owners to contribute such co-owner or
22 owners’ portion of the fee under this section, any co-owner
23 who has paid such fee may, after the payment due date,
24 give the delinquent co-owner or owners notice of such fail-
25 ure in writing (or by publication in the newspaper nearest

1 the claim for at least once a week for at least 90 days).
2 If at the expiration of 90 days after such notice in writing
3 or by publication, any delinquent co-owner fails or refuses
4 to contribute his portion, his interest in the claim shall
5 become the property of the co-owners who have paid the
6 required fee.

7 **SEC. 223. ROYALTY.**

8 (a) RESERVATION OF ROYALTY.—Production of all
9 locatable minerals from any mining claim located under
10 the general mining laws, or mineral concentrates or prod-
11 ucts derived from locatable minerals from any mining
12 claim located under the general mining laws, as the case
13 may be, shall be subject to a royalty of 8 percent of the
14 gross income from such production. The claimholder and
15 any operator to whom the claimholder has assigned the
16 obligation to make royalty payments under the claim and
17 any person who controls such claimholder or operator shall
18 be jointly and severally liable for payment of such royal-
19 ties.

20 (b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND
21 TRANSPORTERS.—(1) A person—

22 (A) who is required to make any royalty pay-
23 ment under this section shall make such payments
24 to the United States at such times and in such man-
25 ner as the Secretary may by rule prescribe; and

1 (B) shall notify the Secretary, in the time and
2 manner as may be specified by the Secretary, of any
3 assignment that such person may have made of the
4 obligation to make any royalty or other payment
5 under a mining claim.

6 (2) Any person paying royalties under this section
7 shall file a written instrument, together with the first roy-
8 alty payment, affirming that such person is liable to the
9 Secretary for making proper payments for all amounts due
10 for all time periods for which such person has a payment
11 responsibility. Such liability for the period referred to in
12 the preceding sentence shall include any and all additional
13 amounts billed by the Secretary and determined to be due
14 by final agency or judicial action. Any person liable for
15 royalty payments under this section who assigns any pay-
16 ment obligation shall remain jointly and severally liable
17 for all royalty payments due for the claim for the period.

18 (3) A person conducting mineral activities shall—

19 (A) develop and comply with the site security
20 provisions in operations permit designed to protect
21 from theft the locatable minerals, concentrates, or
22 products derived therefrom which are produced or
23 stored on a mining claim, and such provisions shall
24 conform with such minimum standards as the Sec-

1 retary may prescribe by rule, taking into account the
2 variety of circumstances on mining claims; and

3 (B) not later than the 5th business day after
4 production begins anywhere on a mining claim, or
5 production resumes after more than 90 days after
6 production was suspended, notify the Secretary, in
7 the manner prescribed by the Secretary, of the date
8 on which such production has begun or resumed.

9 (4) The Secretary may by rule require any person en-
10 gaged in transporting a locatable mineral, concentrate, or
11 product derived therefrom to carry on his or her person,
12 in his or her vehicle, or in his or her immediate control,
13 documentation showing, at a minimum, the amount, ori-
14 gin, and intended destination of the locatable mineral, con-
15 centrate, or product derived therefrom in such cir-
16 cumstances as the Secretary determines is appropriate.

17 (c) RECORDKEEPING AND REPORTING REQUIRE-
18 MENTS.—(1) A claim holder, operator, or other person di-
19 rectly involved in developing, producing, processing, trans-
20 porting, purchasing, or selling locatable minerals, con-
21 centrates, or products derived therefrom, subject to this
22 title, through the point of royalty computation shall estab-
23 lish and maintain any records, make any reports, and pro-
24 vide any information that the Secretary may reasonably
25 require for the purposes of implementing this section or

1 determining compliance with rules or orders under this
2 section. Such records shall include, but not be limited to,
3 periodic reports, records, documents, and other data. Such
4 reports may also include, but not be limited to, pertinent
5 technical and financial data relating to the quantity, qual-
6 ity, composition volume, weight, and assay of all minerals
7 extracted from the mining claim. Upon the request of any
8 officer or employee duly designated by the Secretary or
9 any State conducting an audit or investigation pursuant
10 to this section, the appropriate records, reports, or infor-
11 mation which may be required by this section shall be
12 made available for inspection and duplication by such offi-
13 cer or employee or State.

14 (2) Records required by the Secretary under this sec-
15 tion shall be maintained for 6 years after cessation of all
16 mining activity at the claim concerned unless the Sec-
17 retary notifies the operator that he or she has initiated
18 an audit or investigation involving such records and that
19 such records must be maintained for a longer period. In
20 any case when an audit or investigation is underway,
21 records shall be maintained until the Secretary releases
22 the operator of the obligation to maintain such records.

23 (d) AUDITS.—The Secretary is authorized to conduct
24 such audits of all claim holders, operators, transporters,
25 purchasers, processors, or other persons directly or indi-

1 rectly involved in the production or sales of minerals cov-
2 ered by this subtitle, as the Secretary deems necessary for
3 the purposes of ensuring compliance with the require-
4 ments of this section. For purposes of performing such
5 audits, the Secretary shall, at reasonable times and upon
6 request, have access to, and may copy, all books, papers
7 and other documents that relate to compliance with any
8 provision of this section by any person.

9 (e) COOPERATIVE AGREEMENTS.—(1) The Secretary
10 is authorized to enter into cooperative agreements with the
11 Secretary of Agriculture to share information concerning
12 the royalty management of locatable minerals, con-
13 centrates, or products derived therefrom, to carry out in-
14 spection, auditing, investigation, or enforcement (not in-
15 cluding the collection of royalties, civil or criminal pen-
16 alties, or other payments) activities under this section in
17 cooperation with the Secretary, and to carry out any other
18 activity described in this section.

19 (2) Except as provided in paragraph (4)(A) of this
20 subsection (relating to trade secrets), and pursuant to a
21 cooperative agreement, the Secretary of Agriculture shall,
22 upon request, have access to all royalty accounting infor-
23 mation in the possession of the Secretary respecting the
24 production, removal, or sale of locatable minerals, con-

1 concentrates, or products derived therefrom from claims on
2 lands open to location under the general mining laws.

3 (3) Trade secrets, proprietary, and other confidential
4 information shall be made available by the Secretary pur-
5 suant to a cooperative agreement under this subsection to
6 the Secretary of Agriculture upon request only if—

7 (A) the Secretary of Agriculture consents in
8 writing to restrict the dissemination of the informa-
9 tion to those who are directly involved in an audit
10 or investigation under this section and who have a
11 need to know;

12 (B) the Secretary of Agriculture accepts liabil-
13 ity for wrongful disclosure; and

14 (C) the Secretary of Agriculture demonstrates
15 that such information is essential to the conduct of
16 an audit or investigation under this subsection.

17 (f) INTEREST AND SUBSTANTIAL UNDERREPORTING
18 ASSESSMENTS.—(1) In the case of mining claims where
19 royalty payments are not received by the Secretary on the
20 date that such payments are due, the Secretary shall
21 charge interest on such under payments at the same inter-
22 est rate as is applicable under section 6621(a)(2) of the
23 Internal Revenue Code of 1986. In the case of an under-
24 payment, interest shall be computed and charged only on
25 the amount of the deficiency and not on the total amount.

1 (2) If there is any underreporting of royalty owed on
2 production from a claim for any production month by any
3 person liable for royalty payments under this section, the
4 Secretary may assess a penalty of 10 percent of the
5 amount of that underreporting.

6 (3) If there is a substantial underreporting of royalty
7 owed on production from a claim for any production
8 month by any person responsible for paying the royalty,
9 the Secretary may assess an additional penalty of 10 per-
10 cent of the amount of that underreporting.

11 (4) For the purposes of this subsection, the term
12 “underreporting” means the difference between the roy-
13 alty on the value of the production which should have been
14 reported and the royalty on the value of the production
15 which was reported, if the value which should have been
16 reported is greater than the value which was reported. An
17 underreporting constitutes a “substantial underreporting”
18 if such difference exceeds 10 percent of the royalty on the
19 value of production which should have been reported.

20 (5) The Secretary shall not impose the assessment
21 provided in paragraph (2) or (3) of this subsection if the
22 person liable for royalty payments under this section cor-
23 rects the underreporting before the date such person re-
24 ceives notice from the Secretary that an underreporting

1 may have occurred, or before 90 days after the date of
2 the enactment of this section, whichever is later.

3 (6) The Secretary shall waive any portion of an as-
4 sessment under paragraph (2) or (3) of this subsection
5 attributable to that portion of the underreporting for
6 which the person responsible for paying the royalty dem-
7 onstrates that—

8 (A) such person had written authorization from
9 the Secretary to report royalty on the value of the
10 production on the basis on which it was reported,

11 (B) such person had substantial authority for
12 reporting royalty on the value of the production on
13 the basis on which it was reported,

14 (C) such person previously had notified the Sec-
15 retary, in such manner as the Secretary may by rule
16 prescribe, of relevant reasons or facts affecting the
17 royalty treatment of specific production which led to
18 the underreporting, or

19 (D) such person meets any other exception
20 which the Secretary may, by rule, establish.

21 (7) All penalties collected under this subsection shall
22 be deposited in the Treasury.

23 (g) EXPANDED ROYALTY OBLIGATIONS.—Each per-
24 son liable for royalty payments under this section shall
25 be jointly and severally liable for royalty on all locatable

1 minerals, concentrates, or products derived therefrom lost
2 or wasted from a mining claim located or converted under
3 this section when such loss or waste is due to negligence
4 on the part of any person or due to the failure to comply
5 with any rule, regulation, or order issued under this sec-
6 tion.

7 (h) EXCEPTION.—No royalty shall be payable under
8 subsection (a) with respect to minerals processed at a fa-
9 cility by the same person or entity which extracted the
10 minerals if an urban development action grant has been
11 made under section 119 of the Housing and Community
12 Development Act of 1974 (42 U.S.C. 5318) with respect
13 to any portion of such facility.

14 (i) EFFECTIVE DATE.—The royalty under this sec-
15 tion shall take effect with respect to the production of
16 locatable minerals after the enactment of this title, but
17 any royalty payments attributable to production during
18 the first 12 calendar months after the enactment of this
19 title shall be payable at the expiration of such 12-month
20 period.

21 **SEC. 224. SEVERANCE TAX.**

22 (a) SEVERANCE TAX ON MINERALS.—Chapter 36 of
23 the Internal Revenue Code of 1986 (relating to certain
24 other excise taxes) is amended by adding at the end the
25 following new subchapter:

1 **“Subchapter G—Tax on Severance of**
 2 **Locatable Minerals**

3 **“SEC. 4500. TAX ON SEVERANCE OF LOCATABLE MINERALS.**

4 “(a) IN GENERAL.—There is hereby imposed a tax
 5 on gross income resulting from the severance of any
 6 locatable mineral, or mineral concentrates or products,
 7 from a mine or other natural deposit located within the
 8 United States.

9 “(b) AMOUNT OF TAX.—The amount of the tax im-
 10 posed by subsection (a) shall be 8 percent of the gross
 11 income derived from the locatable mineral, or from the
 12 mineral concentrates or products, severed as described in
 13 such subsection.

14 “(c) EXCEPTION IF ROYALTY IMPOSED.—Subsection
 15 (a) shall not apply to gross income with respect to which
 16 a royalty is imposed by section 203 of the Public Re-
 17 sources Deficit Reduction Act of 2001.”.

18 (b) CONFORMING AMENDMENT.—The table of sub-
 19 chapters for chapter 36 of such Code (relating to certain
 20 other excise taxes) is amended by adding at the end the
 21 following new item:

“SUBCHAPTER G. Tax on severance of locatable minerals.”.

22 **SEC. 225. FUND FOR ABANDONED LOCATABLE MINERALS**
 23 **MINE RECLAMATION.**

24 (a) ESTABLISHMENT OF FUND.—(1) There is estab-
 25 lished on the books of the Treasury of the United States

1 a trust fund to be known as the Abandoned Locatable
2 Minerals Mine Reclamation Fund (hereinafter in this sub-
3 title referred to as the ‘Fund’). The Fund shall be admin-
4 istered by the Secretary acting through the Director of
5 the Office of Surface Mining Reclamation and Enforce-
6 ment.

7 (2) The Secretary shall notify the Secretary of the
8 Treasury as to what portion of the Fund is not, in the
9 Secretary’s judgment, required to meet current with-
10 draws. The Secretary of the Treasury shall invest such
11 portion of the Fund in public debt securities with matu-
12 rities suitable for the needs of such Fund and bearing in-
13 terest at rates determined by the Secretary of the Treas-
14 ury, taking into consideration current market yields on
15 outstanding marketplace obligations of the United States
16 of comparable maturities. The income on such investments
17 shall be credited to, and form a part of, the Fund.

18 (b) AMOUNTS.—The following amounts shall be cred-
19 ited to the Fund:

20 (1) All moneys received from royalties under
21 section 223.

22 (2) All taxes collected under section 4500 of the
23 Internal Revenue Code of 1986.

1 (3) All donations by persons, corporations, as-
2 sociations, and foundations for the purposes of this
3 section.

4 (c) USE AND OBJECTIVES OF THE FUND.—The Sec-
5 retary is authorized, subject to appropriations, to use
6 moneys in the Fund for the reclamation and restoration
7 of land and water resources adversely affected by past
8 mineral activities on lands the legal and beneficial title to
9 which resides in the United States, and of land within the
10 exterior boundary of any National Forest System unit.

11 (d) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—
12 The provisions of section 411(d) of the Surface Mining
13 Control and Reclamation Act of 1977 (30 U.S.C.
14 1240a(d)) shall apply to expenditures made from the
15 Fund established under this section.

16 (e) FUND EXPENDITURES.—Moneys available from
17 the Fund may be expended for the purposes specified in
18 subsection (c) directly by the Director of the Office of Sur-
19 face Mining Reclamation and Enforcement. The Director
20 may also make such money available for such purposes
21 to the Director of the Bureau of Land Management, to
22 the Chief of the United States Forest Service, to the Di-
23 rector of the National Park Service, to the Director of the
24 United States Fish and Wildlife Service, to any other
25 agency of the United States, to an Indian tribe, or to any

1 public entity that volunteers to develop and implement,
2 and that has the ability to carry out, all or a significant
3 portion of a reclamation program under this subtitle.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—Amounts
5 credited to the Fund are authorized to be appropriated
6 for the purpose of this section without fiscal year limita-
7 tion.

8 **SEC. 226. LIMITATION ON PATENT ISSUANCE.**

9 (a) MINING CLAIMS.—After the date of enactment of
10 this title, no patent shall be issued by the United States
11 for any mining claim located under the general mining
12 laws unless the Secretary determines that, for the claim
13 concerned—

14 (1) a patent application was filed with the Sec-
15 retary on or before January 1, 2001; and

16 (2) all requirements established under sections
17 2325 and 2326 of the Revised Statutes (30 U.S.C.
18 29 and 30) for vein or lode claims and sections
19 2329, 2330, 2331, and 2333 of the Revised Statutes
20 (30 U.S.C. 35, 36, and 37) for placer claims were
21 fully complied with by that date.

22 If the Secretary makes the determinations referred to in
23 paragraphs (1) and (2) for any mining claim, the holder
24 of the claim shall be entitled to the issuance of a patent
25 in the same manner and degree to which such claim holder

1 would have been entitled to prior to the enactment of this
2 title, unless and until such determinations are withdrawn
3 or invalidated by the Secretary or by a court of the United
4 States.

5 (b) MILL SITES.—After the date of enactment of this
6 title, no patent shall be issued by the United States for
7 any mill site claim located under the general mining laws
8 unless the Secretary determines that for the mill site
9 concerned—

10 (1) a patent application for such land was filed
11 with the Secretary on or before January 1, 2001;
12 and

13 (2) all requirements applicable to such patent
14 application were fully complied with by that date.

15 If the Secretary makes the determinations referred to in
16 paragraphs (1) and (2) for any mill site claim, the holder
17 of the claim shall be entitled to the issuance of a patent
18 in the same manner and degree to which such claim holder
19 would have been entitled to prior to the enactment of this
20 title, unless and until such determinations are withdrawn
21 or invalidated by the Secretary or by a court of the United
22 States.

23 **SEC. 227. PURCHASING POWER ADJUSTMENT.**

24 The Secretary shall adjust all dollar amounts estab-
25 lished in this subtitle for changes in the purchasing power

1 of the dollar every 10 years following the date of enact-
2 ment of this title, employing the Consumer Price Index
3 for all-urban consumers published by the Department of
4 Labor as the basis for adjustment, and rounding accord-
5 ing to the adjustment process of conditions of the Federal
6 Civil Penalties Inflation Adjustment Act of 1990 (Public
7 Law 101–410; 28 U.S.C. 2461 note).

8 **SEC. 228. SAVINGS CLAUSE.**

9 Nothing in this title shall be construed as repealing
10 or modifying any Federal law, regulation, order, or land
11 use plan, in effect prior to the effective date of this title,
12 that prohibits or restricts the application of the general
13 mining laws, including such laws that provide for special
14 management criteria for operations under the general
15 mining laws as in effect prior to the effective date of this
16 title, to the extent such laws provide environmental protec-
17 tion greater than required under this subtitle.

18 **SEC. 229. EFFECTIVE DATE.**

19 Except as otherwise provided in section 226 (relating
20 to limitation on patent issuance), this subtitle shall take
21 effect on the date 1 year after the date of enactment of
22 this title.

1 **Subtitle C—Use or Disposal of**
2 **Federal Natural Resources**

3 **SEC. 231. ANNUAL DOMESTIC LIVESTOCK GRAZING FEE.**

4 The Federal Land Policy and Management Act of
5 1976 is amended by inserting after section 401 (43 U.S.C.
6 1751) the following new section:

7 **“SEC. 401A. ESTABLISHMENT OF FAIR MARKET VALUE**
8 **GRAZING FEES.**

9 “(a) ESTABLISHMENT OF ANNUAL DOMESTIC LIVE-
10 STOCK GRAZING FEE.—(1) Notwithstanding any other
11 provision of law, the Secretary of Agriculture, with respect
12 to National Forest System lands in the 16 contiguous
13 Western States (except National Grasslands) administered
14 by the Forest Service where domestic livestock grazing is
15 permitted under applicable law, shall establish an annual
16 domestic livestock grazing fee equal to fair market value.

17 “(2) Notwithstanding any other provision of law, the
18 Secretary of the Interior, with respect to public domain
19 lands administered by the Bureau of Land Management
20 where domestic livestock grazing is permitted under appli-
21 cable law, shall establish an annual domestic livestock
22 grazing fee equal to fair market value.

23 “(b) CALCULATION OF FAIR MARKET VALUE.—(1)
24 For purposes of determining the annual domestic livestock
25 grazing fee under this section, the Secretary concerned

1 shall calculate fair market value using the following for-
 2 mula:

$$\text{Fair Market Value} = \frac{\text{Appraised Base Value} \times \text{Forage Value Index}}{100}$$

3 “(2) For purposes of the formula in paragraph (1):

4 “(A) The term ‘Forage Value Index’ means the
 5 Forage Value Index (FVI) computed annually by the
 6 Economic Research Service, United States Depart-
 7 ment of Agriculture, and set with the 2001 FVI
 8 equal to 100; and

9 “(B) The term ‘Appraised Base Value’ means
 10 the 1983 Appraisal Value conclusions for mature
 11 cattle and horses (expressed in dollars per head or
 12 per month), as determined in the 1986 report pre-
 13 pared jointly by the Secretary of Agriculture and the
 14 Secretary of the Interior entitled ‘Grazing Fee Re-
 15 view and Evaluation’, dated February 1986, on a
 16 west-wide basis using the lowest appraised value of
 17 the pricing areas adjusted for advanced payment
 18 and indexed to 2001.

19 “(c) LIMITATION ON FLUCTUATIONS OF FEES.—
 20 Notwithstanding the amount calculated under subsection
 21 (b) for a year, the domestic livestock grazing fee charged
 22 for any given year shall not increase nor decrease by more

1 than 33.3 percent from the domestic livestock grazing fee
2 for the previous year.

3 “(d) EFFECT ON EXECUTIVE ORDER.—Executive
4 Order No. 12548, dated February 14, 1986 (51 Fed. Reg.
5 5985), shall not apply to grazing fees established pursuant
6 to this section.

7 “(e) EFFECT ON GRAZING ADVISORY BOARDS.—The
8 grazing advisory boards established pursuant to Secre-
9 tarial action, notice of which was published in the Federal
10 Register on May 14, 1986 (51 Fed. Reg. 17874), are abol-
11 ished, effective as of the date of the enactment of this sec-
12 tion, and the advisory functions exercised by such boards
13 shall be exercised only by the appropriate councils estab-
14 lished under section 309 of this Act.

15 “(f) USE OF FEES AND RANGE IMPROVEMENT
16 FUNDS.—Funds appropriated pursuant to section 5 of the
17 Public Rangelands Improvement Act of 1978 (43 U.S.C.
18 1904) or any other provision of law related to disposition
19 of the Federal share of receipts from fees for grazing on
20 public domain lands or National Forest lands in the 16
21 contiguous western States shall be used for restoration
22 and enhancement of fish and wildlife habitat, for restora-
23 tion and improved management of riparian areas, and for
24 implementation and enforcement of applicable land man-
25 agement plans, allotment plans, and regulations regarding

1 the use of such lands for domestic livestock grazing. Such
 2 funds shall be distributed as the Secretary concerned con-
 3 siderers advisable after consultation and coordination with
 4 the advisory councils established pursuant to section 309
 5 of this Act and other interested parties.

6 “(g) COMMENCEMENT DATE FOR FEES.—The first
 7 annual domestic livestock grazing fee required by this sec-
 8 tion shall apply with respect to the grazing season com-
 9 mencing on March 1, 2002.”.

10 **SEC. 232. ELIMINATION OF BELOW-COST SALES OF TIMBER**
 11 **FROM NATIONAL FOREST SYSTEM LANDS.**

12 (a) IN GENERAL.—The National Forest Management
 13 Act of 1976 is amended by inserting after section 14 (16
 14 U.S.C. 472a) the following new section:

15 **“SEC. 14A. ELIMINATION OF BELOW-COST TIMBER SALES**
 16 **FROM NATIONAL FOREST SYSTEM LANDS.**

17 “(a) REQUIREMENT THAT SALE REVENUES EXCEED
 18 COSTS.—On and after October 1, 2005, in appraising tim-
 19 ber and setting a minimum bid for trees, portions of trees,
 20 or forest products located on National Forest System
 21 lands proposed for sale under section 14 or any other pro-
 22 vision of law, the Secretary of Agriculture shall ensure
 23 that the estimated cash returns to the United States
 24 Treasury from each sale exceed the estimated costs to be

1 incurred by the Federal Government in the preparation
2 of the sale or as a result of the sale.

3 “(b) COSTS TO BE CONSIDERED.—For purposes of
4 estimating under this section the costs to be incurred by
5 the Federal Government from each timber sale, the Sec-
6 retary shall assign to the sale the following costs:

7 “(1) The actual appropriated expenses for sale
8 preparation and harvest administration incurred or
9 to be incurred by the Federal Government from the
10 sale and the payments to counties to be made as a
11 result of the sale.

12 “(2) A portion of the annual timber resource
13 planning costs, silvicultural examination costs, other
14 resource support costs, road design and construction
15 costs, road maintenance costs, transportation plan-
16 ning costs, appropriated reforestation costs, timber
17 stand improvement costs, forest genetics costs, gen-
18 eral administrative costs (including administrative
19 costs of the national and regional offices of the For-
20 est Service), and facilities construction costs of the
21 Federal Government directly or indirectly related to
22 the timber harvest program conducted on National
23 Forest System lands.

24 “(c) METHOD OF ALLOCATING COSTS.—The Sec-
25 retary shall allocate the costs referred to in subsection

1 (b)(2) to each unit of the National Forest System, and
2 each proposed timber sale in such unit, on the basis of
3 harvest volume.

4 “(d) TRANSITIONAL REQUIREMENTS.—To ensure the
5 elimination of all below-cost timber sales by the date speci-
6 fied in subsection (a), the Secretary shall progressively re-
7 duce the number and size of below-cost timber sales on
8 National Forest System lands as follows:

9 “(1) In fiscal years 2002 and 2003, the quan-
10 tity of timber sold in below-cost timber sales on Na-
11 tional Forest System lands shall not exceed 75 per-
12 cent of the quantity of timber sold in such sales in
13 the preceding fiscal year.

14 “(2) In fiscal year 2004, the quantity of timber
15 sold in below-cost timber sales on National Forest
16 System lands shall not exceed 65 percent of the
17 quantity of timber sold in such sales in fiscal year
18 2003.

19 “(3) In fiscal year 2005, the quantity of timber
20 sold in below-cost timber sales on National Forest
21 System lands shall not exceed 50 percent of the
22 quantity of timber sold in such sales in the fiscal
23 year 2004.

24 “(e) BELOW-COST TIMBER SALE.—For purposes of
25 this section, the term ‘below-cost timber sale’ means a sale

1 of timber in which the costs to be incurred by the Federal
2 Government exceed the cash returns to the United States
3 Treasury.”.

4 (b) FINDINGS.—Section 2 of the Forest and Range-
5 land Renewable Resources Planning Act of 1974 (16
6 U.S.C. 1600) is amended—

7 (1) by striking “and” at the end of paragraph
8 (6);

9 (2) by striking the period at the end of para-
10 graph (7) and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(8) the practice of selling timber from Na-
14 tional Forest System lands for less than the cost to
15 the Federal Government of growing the timber and
16 preparing the timber for sale is not in the best inter-
17 ests of the United States, and such below-cost sales
18 should be eliminated in an orderly manner to achieve
19 a more economically and environmentally sound tim-
20 ber program for the National Forest System.”.

21 **SEC. 233. TIMBERLAND SUITABILITY.**

22 Subsection (k) of section 6 of the Forest and Range-
23 land Renewable Resources Planning Act of 1974 (16
24 U.S.C. 1604) is amended to read as follows:

1 “(k) DETERMINATION OF SUITABILITY OF LANDS
2 FOR TIMBER PRODUCTION.—

3 “(1) DETERMINATION REQUIRED.—In revising
4 land management plans developed pursuant to this
5 section, the Secretary shall identify lands within the
6 management area that are not suited for timber pro-
7 duction based on physical, economic, or other rel-
8 evant factors. The Secretary shall review the identi-
9 fications made under this paragraph during each re-
10 vision of the forest plan.

11 “(2) EVIDENCE OF ECONOMIC
12 UNSUITABILITY.—The Secretary shall identify lands
13 as economically unsuitable for timber production
14 under paragraph (1) if—

15 “(A) the expected cash returns to the
16 United States Treasury that would result from
17 the sale of standing timber on the lands do not
18 exceed the expected costs that would be in-
19 curred by the Federal Government in prepara-
20 tion or as a result of such sales; or

21 “(B) the expected cash returns to the
22 United States Treasury that would result from
23 the sale of subsequent timber stands on the
24 lands do not exceed the expected costs that

1 would be incurred by the Federal Government
2 in preparation or as a result of such sales.

3 “(3) COSTS TO BE CONSIDERED.—For purposes
4 of estimating under paragraph (2) the costs to be in-
5 curred by the Federal Government from timber sales
6 conducted on the lands being reviewed, the Secretary
7 shall assign to sales on such lands the following
8 costs:

9 “(A) The appropriated expenses for sale
10 preparation and harvest administration that
11 would be incurred by the Federal Government
12 from such sales and the payments to counties
13 that would be made as a result of such sales.

14 “(B) A portion of the annual timber re-
15 source planning costs, silvicultural examination
16 costs, other resource support costs, road design
17 and construction costs, road maintenance costs,
18 transportation planning costs, appropriated re-
19 forestation costs, timber stand improvement
20 costs, forest genetics costs, general administra-
21 tive costs (including administrative costs of the
22 national and regional offices of the Forest Serv-
23 ice), and facilities construction costs of the Fed-
24 eral Government directly or indirectly related to

1 the timber harvest program conducted on Na-
2 tional Forest System lands.

3 “(4) METHOD OF ALLOCATING COSTS.—The
4 Secretary shall allocate the costs referred to in para-
5 graph (3)(B) to each unit of the National Forest
6 System on the basis of harvest volume.

7 “(5) PROHIBITION ON TIMBER HARVESTS ON
8 UNSUITABLE LANDS.—In the case of lands identified
9 under paragraph (1) as unsuitable for timber pro-
10 duction, no timber harvesting shall occur on such
11 lands for a period of 10 years or the life of the plan,
12 whichever is greater.

13 “(6) DEFINITIONS.—For purposes of this sub-
14 section:

15 “(A) The term ‘standing timber’ means an
16 existing stand of timber that has not been har-
17 vested.

18 “(B) The term ‘subsequent timber stand’
19 means a regenerated stand of timber produced
20 on land from which standing timber has been
21 harvested.”.

1 **SEC. 234. REDUCTION IN MAXIMUM AMOUNT OF PAYMENTS**
2 **UNDER AGRICULTURAL ASSISTANCE PRO-**
3 **GRAMS TO REFLECT RECEIPT OF FEDERAL**
4 **IRRIGATION WATER.**

5 (a) PRICE SUPPORT PROGRAMS.—Title X of the
6 Food Security Act of 1985 is amended by inserting after
7 section 1001E (7 U.S.C. 1308–5) the following new sec-
8 tion:

9 **“SEC. 1001F. REDUCTION OF PAYMENT LIMITATIONS TO RE-**
10 **FLECT RECEIPT OF FEDERAL IRRIGATION**
11 **WATER.**

12 “(a) REDUCTION OF PAYMENT LIMITATIONS RE-
13 QUIRED.—If a person subject to section 1001 receives
14 Federal irrigation water for agricultural purposes from the
15 operation of a Federal reclamation project, the payment
16 limitations specified in paragraphs (1) and (2) of such sec-
17 tion and applicable to such person shall be reduced for
18 the year in which such person receives irrigation water.
19 The amount of the reduction shall be equal to the total
20 value during that year of the subsidy portion of the con-
21 tract with such person for the delivery of the irrigation
22 water.

23 “(b) DETERMINATION OF SUBSIDY PORTION OF
24 WATER CONTRACT.—The subsidy portion of an irrigation
25 water delivery contract is equal to the amount by which

1 full cost for the delivery of the irrigation water exceeds
 2 the actual contract price for the delivery of the water.

3 “(c) DEFINITIONS.—For purposes of this section, the
 4 terms ‘contract’, ‘full cost’, ‘irrigation water’, and ‘project’
 5 have the meanings given such terms in section 202 of the
 6 Reclamation Reform Act of 1982 (43 U.S.C. 390bb).”.

7 (b) NONINSURED CROP DISASTER ASSISTANCE.—
 8 Section 196(i) of the Federal Agriculture Improvement
 9 and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

10 (1) by redesignating paragraph (5) as para-
 11 graph (6); and

12 (2) by inserting after paragraph (4) the fol-
 13 lowing new paragraph:

14 “(5) EFFECT OF RECEIPT OF IRRIGATION
 15 WATER.—

16 “(A) REDUCTION OF PAYMENT LIMITA-
 17 TION.—If a person who receives payments
 18 under this section also receives, during the
 19 same year, Federal irrigation water for agricul-
 20 tural purposes from the operation of a Federal
 21 reclamation project, the payment limitation
 22 specified in paragraph (2) for such person shall
 23 be reduced for that year. The amount of the re-
 24 duction shall be equal to the total value during
 25 that year of the subsidy portion of the contract

1 with such person for the delivery of the irriga-
 2 tion water.

3 “(B) DETERMINATION OF SUBSIDY POR-
 4 TION OF WATER CONTRACT.—The subsidy por-
 5 tion of an irrigation water delivery contract is
 6 equal to the amount by which full cost for the
 7 delivery of the irrigation water exceeds the ac-
 8 tual contract price for the delivery of the water.

9 “(C) DEFINITIONS.—For purposes of this
 10 paragraph, the terms ‘contract’, ‘full cost’, ‘irri-
 11 gation water’, and ‘project’ have the meanings
 12 given such terms in section 202 of the Reclama-
 13 tion Reform Act of 1982 (43 U.S.C. 390bb).”.

14 (c) CONFORMING AMENDMENTS.—Section
 15 1001(5)(A) of the Food Security Act of 1985 (7 U.S.C.
 16 1308(5)(A)) is amended by striking “1001C” and insert-
 17 ing “1001C and 1001F”.

18 **SEC. 235. ELIMINATION OF OFF BUDGET EXPENDITURES.**

19 (a) KNUTSON-VANDENBERG FUND.—Section 3 of
 20 the Act of June 9, 1930 (commonly known as the
 21 Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended
 22 by striking “and shall constitute a special fund, which is
 23 hereby appropriated and made available until expended,”
 24 in the second sentence and inserting “and are authorized
 25 to be appropriated”.

1 (b) DEPOSITS FROM BRUSH DISPOSAL.—The para-
2 graph relating to deposits from brush disposal under the
3 heading “FOREST SERVICE” in the Act of August 11, 1916
4 (39 Stat. 462; 16 U.S.C. 490), is amended by striking
5 “and constitute a special fund, which is hereby appro-
6 priated and shall remain available until expended” and in-
7 serting “and are authorized to be appropriated for the
8 purpose of disposing of such brush and other debris”.

9 (c) NATIONAL FORESTS ROADS AND TRAILS.—(1)
10 Section 6 of Public Law 88–657 (commonly known as the
11 Forest Roads and Trails Act; 16 U.S.C. 537) is amended
12 by striking “are hereby made available until expended”
13 and inserting “are authorized to be appropriated”.

14 (2) The fourteenth paragraph under the heading
15 “FOREST SERVICE” of the Act of March 4, 1913 (37
16 Stat. 843; 16 U.S.C. 501), is amended by striking “shall
17 be available at the end thereof, to be expended by” and
18 inserting “are authorized to be appropriated to”.

19 (d) REFORESTATION TRUST FUND.—Section 303(d)
20 of Public Law 96–451 (16 U.S.C. 1606a) is amended by
21 striking “The Secretary of Agriculture” and inserting “In
22 such amounts as are provided in advance in appropriations
23 Acts, the Secretary of Agriculture”.

24 (e) TIMBER SALVAGE SALE FUND.—Section 14(h) of
25 the National Forest Management Act of 1976 (16 U.S.C.

1 472a(h) is amended by striking “are to be available” and
 2 inserting “are authorized to be appropriated”.

3 (f) COOPERATIVE WORK—OTHER FUND.—The penul-
 4 timate paragraph under the heading “FOREST SERV-
 5 ICE” in the Act of June 30, 1914 (38 Stat. 430; 16
 6 U.S.C. 498), is amended by striking “which is hereby ap-
 7 propriated and made available until expended, as the Sec-
 8 retary of Agriculture may direct,” and inserting “from
 9 which funds are authorized to be appropriated to the Sec-
 10 retary of Agriculture”.

11 **SEC. 236. DEPOSIT OF TAYLOR GRAZING ACT RECEIPTS IN**
 12 **TREASURY.**

13 Section 10 of the Act of June 28, 1934 (commonly
 14 known as the Taylor Grazing Act; 43 U.S.C. 315i), is
 15 amended by striking all after “miscellaneous receipts” and
 16 inserting a period.

17 **SEC. 237. REPEAL OF LIVESTOCK FEED ASSISTANCE PRO-**
 18 **GRAM.**

19 The Emergency Livestock Feed Assistance Act of
 20 1988 (title VI of the Agricultural Act of 1949; 7 U.S.C.
 21 1471–1471j) is repealed.

22 **SEC. 238. OIL AND GAS RENTALS.**

23 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is
 24 amended as follows:

1 (1) In section 14 by striking “a rental of \$1 per
2 acre” and inserting “a rental established by the Sec-
3 retary of the Interior” and by adding the following
4 at the end thereof: “The Secretary shall establish
5 fair market value rental fees under this section
6 based upon the rental fees which would be charged
7 in arm’s length transactions for comparable leases of
8 oil and gas resources on non-Federal land.”.

9 (2) In section 17(d) by striking “rental of not
10 less than \$1.50 per acre per year for the first
11 through fifth years of the lease and not less than \$2
12 per acre per year for each year thereafter” and in-
13 serting “rental established by the Secretary of the
14 Interior” and by adding the following at the end
15 thereof: “The Secretary shall establish fair market
16 value rental fees under this section based upon the
17 rental fees which would be charged in arms length
18 transactions for comparable leases of oil and gas re-
19 sources on non-Federal land.”.

20 (3) In section 21(a) by striking “rental, payable
21 at the beginning of each year, at the rate of 50 cents
22 per acre per annum, for the lands included in the
23 lease,” and inserting “rental established by the Sec-
24 retary of the Interior” and by adding the following
25 at the end thereof: “The Secretary shall establish

1 fair market value rental fees under this section
2 based upon the rental fees which would be charged
3 in arms length transactions for comparable leases on
4 non-Federal land.”.

5 (4) In section 31(e)(2) by striking “rate of not
6 less than \$10 per acre per year, or the inclusion in
7 a reinstated lease issued pursuant to the provisions
8 of section 17(c) of this Act of a requirement that fu-
9 ture rentals shall be at a rate not less than \$5 per
10 acre per year” and inserting “fair market value rate
11 (but not less than \$10 per acre per year)”.

12 (5) In section 31(f)(3) by striking “of not less
13 than \$5 per acre per year” and inserting “estab-
14 lished by the Secretary at fair market value based
15 upon the rental fees which would be charged in arms
16 length transactions for comparable leases on non-
17 Federal land”.

18 **SEC. 239. COMMUNICATION PERMITS.**

19 (a) IN GENERAL.—No permit, lease, or authorization
20 for the use of any area of the public lands or National
21 Forests for communication uses, including but not limited
22 to radio and television broadcast, mobile radio, cellular
23 telephone, or microwave relay facilities, shall remain in
24 force and effect after October 1, 2001, unless, by such
25 date, and by October 1 of each year thereafter, the holder

1 of such permit, lease, or authorization pays to the Sec-
2 retary of the Interior or the Secretary of Agriculture, as
3 appropriate, an amount equal to the fair market value,
4 as determined by such Secretary, of the right to use and
5 occupy such area for such communication uses.

6 (b) DEFINITION.—For the purposes of this section,
7 the term “public lands” shall have the same meaning as
8 defined in section 103(e) of the Federal Land Policy Man-
9 agement Act of 1976 (43 U.S.C. 1702(e)).

○